

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MOJO MOBILITY INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.;  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants.

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Civil Action No. 2:22-CV-00398-JRG-RSP

JURY TRIAL DEMANDED

**DEFENDANTS' RESPONSE TO PLAINTIFF MOJO MOBILITY INC.'S NOTICE OF  
CONFLICT WITH TRIAL DATE**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") hereby respond to Plaintiff Mojo Mobility Inc.'s August 2, 2024, Notice of Conflict with Trial Date (Dkt. No. 258). For the reasons below, Samsung respectfully requests that Mojo be given a deadline of August 5 to either (a) move for a continuance, or (b) commit to trying the case as scheduled on August 16. Absent such clarity, Samsung will be prejudiced by further delay in Mojo seeking a continuance. If filed by August 5, Samsung would not oppose Mojo's motion for a continuance, provided that various hard conflicts for Samsung's witnesses and counsel in August, September, and October are accounted for in any rescheduling.

1. Samsung is prepared to try this case on the scheduled start date of August 16, 2024.
2. Samsung first learned of Mojo's potential conflict with the August 16 trial date when Mojo emailed the Court on July 17th. Local counsel for Samsung briefly discussed this issue with counsel for Mojo that week.
3. Since that time, Mojo never reached out to Samsung to meet and confer and, for example, discuss mutually agreeable dates to propose as alternatives. Instead, Mojo maintained

its silence until filing its noncommittal notice earlier today; Mojo did not inform Samsung of the forthcoming notice much less seek Samsung's input.

4. Mojo's notice provides Mojo's position and trial preferences, along with its unilaterally proposed timeline for when it might submit a motion for continuance (albeit to an undefined date). But while Mojo reserves its right to move for a continuance at some point after August 7 (Dkt. No. 258 ¶¶ 5-6), Samsung is expending time and resources preparing for the August 16 trial date. To that end, numerous Samsung witnesses and in-house personnel are set to travel from S. Korea in anticipation of the currently scheduled trial. Along similar lines, Samsung's U.S.-based experts and outside counsel team are also set to arrive in Marshall beginning in one week. Mojo's attempt to keep its options open to maybe move for a continuance prejudices Samsung—especially because Mojo and its counsel are privy to the details of the case causing a conflict but Samsung is not.

5. Thus, Samsung respectfully requests that Mojo be given a deadline of August 5 to either (a) move for a continuance, or (b) commit to trying the case as scheduled on August 16. If filed by August 5, Samsung will not oppose Mojo's motion for a continuance, provided that various hard conflicts for Samsung's witnesses and counsel in August, September, and October are accounted for in any rescheduling. And if Mojo proceeds with its motion, the parties can meet and confer to identify proposed dates that account for those scheduling issues.

DATED: August 2, 2024

Respectfully submitted,

By: /s/ Allan M. Soobert

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*Attorneys for Defendants Samsung Electronics  
Co., Ltd. and Samsung Electronics America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on August 2, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Allan M. Soobert  
Allan M. Soobert